

By: Representative Reeves

To: Judiciary A; Ways and  
MeansCOMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 715

1 AN ACT TO PROVIDE THAT GAMING AND BINGO PROCEEDS SHALL BE  
2 SUBJECT TO CHILD SUPPORT JUDGMENTS; TO REQUIRE REPORTING OF SUCH  
3 PROCEEDS; TO PROVIDE PENALTIES FOR VIOLATIONS OF THIS ACT; TO  
4 AMEND SECTION 93-11-71, MISSISSIPPI CODE OF 1972, TO CONFORM TO  
5 THE PROVISIONS OF THIS ACT; TO ENCOURAGE GAMING ENTITIES NOT  
6 SUBJECT TO STATE REGULATION TO COMPLY WITH THIS ACT; AND FOR  
7 RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 SECTION 1. (1) Gaming proceeds (proceeds) shall be subject  
10 to encumbrance for delinquent child support payments assessed by a  
11 court of competent jurisdiction or as otherwise provided in Titles  
12 43 and 93, Mississippi Code of 1972.

13 (2) Proceeds in the amount of One Thousand Two Hundred  
14 Dollars (\$1,200.00) or more for slot machines and in the amount of  
15 Ten Thousand Dollars (\$10,000.00) or more for all games except  
16 slot machines as the term "game" is defined in Section 75-76-5  
17 shall be reported by the payor to the Mississippi Department of  
18 Human Services, Division of Child Support Enforcement (the  
19 department) pursuant to the provisions set forth herein.

20 (3) Any person to whom a duty of child support is owed must  
21 provide a copy of the order requiring a payee to pay such child  
22 support to the department in order to receive proceeds under this  
23 act. The order shall be maintained in a registry by the  
24 department which shall be current and which shall be easily  
25 accessed by a payor through electronic media or other means which  
26 provides instant accessibility.

27 (4) If it is determined that the payee has a child support  
28 delinquency, proceeds up to the full amount of the delinquency  
29 shall be withheld and disbursed to the department or to the

30 attorney of record in cases not involving the department. If a  
31 payee contests such delinquency, the proceeds shall be held by the  
32 department until the final disposition of such contest. Proceeds  
33 beyond the amount of the delinquency shall be delivered to the  
34 payee.

35 (5) The payee shall have available to him or her the  
36 opportunity to contest the accuracy of said payee's identity or  
37 the reported amount of the delinquency:

38 (a) The payee shall have the right to a review of the  
39 department's claim of the proceeds. To request such review, the  
40 payee must contact the office of the department in the county in  
41 which the child support order is entered. Such contact must be  
42 made within five (5) business days from the date upon which the  
43 payee seeks payment of the proceeds from the payor.

44 (b) The department shall grant a review which shall  
45 occur within twenty-four (24) business hours if contact is made  
46 with the office by personal appearance, telephone or electronic  
47 medium. If contact is made by writing, such review shall occur  
48 within five (5) business days of receipt of such contact.

49 (c) The payee may contest the determination of the  
50 review by filing a petition with a court of competent jurisdiction  
51 as in any matter governed by Rule 81(d)(2) of the Mississippi  
52 Rules of Civil Procedure. Service upon the department shall be  
53 made as provided by Rule 4(d)(5).

54 (d) Throughout the review and determination processes,  
55 the proceeds shall be held by the department in an account of the  
56 department's choosing, and shall be delivered to the payee, should  
57 he or she prevail.

58 (e) Any administrative and legal fees incurred by the  
59 payor or the department throughout the procedures described herein  
60 or pursuant to such procedures shall be assessed to the payee in  
61 the event the proceeds are forwarded to the department.

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63 (6) In proceedings not involving the department a payee  
64 shall have thirty (30) days from the commencement of proceedings  
65 under this act to contest such proceedings. A contest of such  
66 proceedings shall be in the court which issued the obligation of  
67 support against the payee.

68 (7) **Definitions.**

69 (a) "Gaming proceeds" or "proceeds" shall mean any  
70 monies paid in lump sum or otherwise to an individual from  
71 lotteries, games or gambling games as defined by Section  
72 75-76-5(k), or games or gambling games as described by Section  
73 97-33-50, et seq.

74 (b) "Child support delinquency" shall have the same  
75 meaning as that given it in Section 93-11-101.

76 (c) "Payor" shall mean the individual, agent or entity,  
77 licensed or unlicensed, disbursing the gaming proceeds to the  
78 payee.

79 (d) "Payee" shall mean the gaming activity participant  
80 to whom the gaming proceeds are due.

81 (8) Failure by the payor or payee to comply with the  
82 provisions of this section shall subject the payor or payee to a  
83 fine of not less than One Thousand Dollars (\$1,000.00).

84 (9) Notwithstanding any provision of this or any other  
85 section of the Mississippi Code, the Department of Human Services  
86 shall not be prohibited from entering into a contractual or other  
87 similar arrangement with any individual, agent, entity or payor  
88 conducting such games or gambling games in Mississippi as are  
89 addressed herein.

90 (10) A payor shall be immune from any civil action for  
91 compliance with the provisions of this act provided that such  
92 compliance is in good faith.

93 SECTION 2. Section 93-11-71, Mississippi Code of 1972, is  
94 amended as follows:

95 93-11-71. (1) Whenever a court orders any person to make  
96 periodic payments for the maintenance or support of a child, and  
97 whenever such payments as have become due remain unpaid for a  
98 period of at least thirty (30) days, the person to whom such  
99 payments are owed, or his legal representative, shall be entitled  
100 to a judgment against the obligor in such amount as is equal to  
101 all such payments which are then due and owing.

102           (2) Any judgment obtained under the provisions of this  
103 section shall operate as a lien upon all the property of the  
104 judgment debtor, both real and personal. Such judgment shall be  
105 entered on the judgment roll by means of sworn documentation of  
106 delinquent child support. Liens arising under the provisions of  
107 this section may be executed upon and enforced in the same manner  
108 and to the same extent as any other judgment.

109           (3) Any judgment obtained under the provisions of this  
110 section shall subject the following assets to interception or  
111 seizure without regard to the entry of such judgment on the  
112 judgment roll of the situs district or jurisdiction:

113                 (a) Periodic or lump-sum payments from a federal, state  
114 or local agency, including unemployment compensation, workers'  
115 compensation and other benefits;

116                 (b) Winnings from lotteries and gaming winnings \* \* \* ;

117                 (c) Assets held in financial institutions;

118                 (d) Settlements and awards resulting from civil  
119 actions; and

120                 (e) Public and private retirement funds, only to the  
121 extent that the obligor is qualified to receive and receives a  
122 lump sum or periodic distribution from the funds.

123           (4) In any case in which a child receives assistance from  
124 block grants for Temporary Assistance for Needy Families (TANF),  
125 and the obligor owes past-due child support, the obligor, if not  
126 incapacitated, may be required by the court to participate in any  
127 work programs offered by any state agency.

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129           SECTION 3. The Governor shall make a good faith effort to  
130 enter into a compact with any Native Americans operating gaming  
131 activities to encourage voluntary compliance with the provisions  
132 of this act.

133           SECTION 4. This act shall take effect and be in force from  
134 and after July 1, 1999.